Protecting Nonprofit Nonpartisanship
Oppose H.R. 172 and H.R. 781 / S. 264

What is the Johnson Amendment?
- The Johnson Amendment provides that 501(c)(3) organizations cannot endorse or oppose candidates for office, make campaign contributions, or coordinate activities with candidates, PACs, and political parties.
- It was offered by then-Senator Lyndon Johnson to the Tax Reform Act of 1954. It was signed into law by President Eisenhower, and re-enacted and strengthened in bills signed by President Reagan.

The Issue: Proposals in Congress would repeal or significantly weaken the final clause of Section 501(c)(3) (known as the Johnson Amendment), which provides that in exchange for tax-exempt status and the ability to receive tax-deductible contributions, a charitable nonprofit, religious organization, or foundation may “not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office.” For 60+ years, that provision has been a valuable protection that keeps charitable nonprofits, religious institutions, and foundations focused on their missions rather than diverting their time, money, and other resources to engage in partisan electioneering.

The Consequences: If enacted, the legislative proposals would politicize charitable nonprofits, houses of worship, and foundations, plunging them into the caustic partisanship that bedevils our country. It would hurt the public and damage the capacity of organizations in a wide variety of ways, including this sampling:

- Erosion of public trust as organizations become known as Democratic charities or Republican charities.
- Insistence on endorsements by candidates and their operatives when “no” no longer means no.
- Donors “buying” endorsements from charitable nonprofits for favored candidates for public office.
- Diversion of resources from mission as pressure is applied to 501(c)(3) organizations to redirect charitable resources (money, staff time, facilities, member lists – as well as their brand value) to partisan political campaigns.
- Pressure on nonprofits when foundations endorse candidates and let donees know.
- Board turmoil when members or donors insist on endorsement of family members, business colleagues, friends. Politics supplant mission!

The Proposed Change Is Not Needed: Nonprofits – and their individual leaders – already have tremendous free speech protection under existing law. Charitable nonprofits, houses of worship, and foundations, are allowed to advocate on policy issues relevant to their missions and the people they serve. Religious leaders can legally preach on moral and policy issues such as abortion, immigration, social justice, and religious liberty. In their personal capacity, nonprofit board members, volunteers, and staff – including clergy – can freely speak out on partisan issues, make campaign contributions, and even run for office. They just cannot carry out these partisan, election-related activities on behalf of the 501(c)(3) organizations with which they are associated.

What the Public Thinks: The vast majority of Americans and charitable nonprofits, houses of worship, and foundations firmly believe that 501(c)(3) organizations should remain dedicated solely to the public good and should stay away from raw partisan politics:

- A poll conducted in March 2017 found that nearly three out of four American voters (72 percent) want to keep current rules protecting 501(c)(3) organizations from partisan political activity. A separate survey conducted in February by the National Association of Evangelicals found that 89 percent of pastors oppose the idea of clergy mixing partisan politics and religion by endorsing candidates from the pulpit. These results are consistent with numerous polls conducted over several years.
- Almost 100 national and state religious and denominational organizations wrote in a letter to Congress stressing: “People of faith do not want partisan political fights infiltrating their houses of worship. Houses of worship are spaces for members of religious communities to come together, not be divided along political lines; faith ought to be a source of connection and community, not division and discord.”
- The Community Letter in Support of Nonprofit Nonpartisanship, signed by more than 4,700 charitable, religious, and philanthropic organizations from all 50 states, strongly opposes proposals to repeal or weaken the Johnson Amendment. (To see the organizations that signed, visit www.GiveVoice.org.)

The Ask: Will you oppose efforts to repeal or weaken the Johnson Amendment?

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